

REMARKS

Claim Rejections

Claims 1-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kumagai (U.S. 2003/0051218).

Drawings

It is noted that the Examiner has accepted the drawings as originally filed with this application.

Claim Amendments

By this Amendment, Applicant has canceled Claims 2-4, added Claim 12, and amended Claims 1, 5-9 and 10-11 of this application. It is believed that the amended claims now define subject matter that is patentably distinguishable over the cited prior art.

The primary reference to Kumagai teaches a method of forming a semiconductor device having multiple wiring layers stacked on a substrate 10, the wiring layers being connected by vias 11. As shown in Figure 4, the reference teaches a complex web of wiring connections and fails to teach anything about arranging the vias and wiring layers of the device to ease the subsequent modification of the device by reducing the number of masks needed to rework the circuit layout.

Kumagai does not teach an integrated circuit (IC) structure having an upper metal layer connected to fewer than all of underlying vias, the remainder of the vias to which the upper metal layer is not connected being positioned for later connection to the upper metal layer during a subsequent reworking of the IC structure. Kumagai also does not teach an integrated circuit (IC) layout design method in which an overlying upper metal layer is formed and connected to some, but not all, of underlying circuit passageways, the circuit element is tested to identify a desired modification, and the circuit element is then later modified by connecting the upper metal layer to one of the underlying circuit passageways. In addition, Kumagai fails to

teach reserving the upper metal layer exclusively for modification during a subsequent reworking of the circuit element.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Kumagai does not disclose each and every feature of Applicant's amended claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Kumagai cannot be said to anticipate any of Applicant's amended claims under 35 U.S.C. § 102.

It is further submitted that Kumagai does not disclose, or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structures and methods. Thus, it is not believed that Kumagai renders obvious any of Applicant's amended claims under 35 U.S.C. § 103.

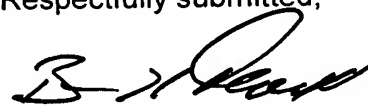
Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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By:



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